

5/29/86



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MERRIMACK VALLEY FEDERATION OF TEACHERS :
 NHFT, AFT/AFL/CIO :
 :
 Complainant : CASE NO. T-0313:6
 :
 v. :
 :
 MERRIMACK VALLEY SCHOOL DISTRICT :
 Respondent :
 :

MERRIMACK VALLEY SCHOOL DISTRICT :
 Complainant :
 :
 v. : CASE NO. T-0313:7
 :
 MERRIMACK VALLEY FEDERATION OF TEACHERS :
 NHFT, AFT/AFL/CIO :
 :
 Respondent :
 :

DECISION NO. 86-38

PELRB:- Hearing Officer, Bradford E. Cook, Esq. and
Executive Director, Evelyn C. LeBrun

SCHOOL DISTRICT:-
Donald Pfundstein, Esq., Counsel
William Baston, Superintendent

FEDERATION:-
Emmanuel Krasner, Esq., Counsel

BACKGROUND

On May 13, 1986, PELRB issued Decision No. 86-34 reaffirming its earlier decision in this case and ordered, as follows:

1. The Merrimack Valley School District is ordered to hold a special School District Meeting and to state in the warrant that at least one item of business to be decided at said meeting is consideration of the full factfinder's report.
2. The School Board is ordered to submit the entire factfinder's report to the School District Meeting.

3. The School Board is ordered to distribute the full fact-finder's report consistent with the opinion.
4. The School Board is ordered to report compliance with the order to the offices of the Public Employee Labor Relations Board within twenty (20) days from the date of the order.

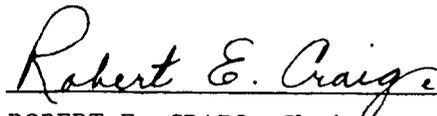
On May 28, 1986, the Merrimack Valley School District through its Counsel, Donald Pfundstein filed an "Emergency Motion for Stay and/or in the Alternative for an Extension of Time to Allow Supreme Court Consideration of Stay".

An emergency hearing was held in the offices of Sheehan, Phinney, Bass and Green, 1000 Elm Street, Manchester, N.H. at 8:30 a.m., Thursday, May 30, 1986 with PELRB Counsel, Bradford E. Cook, Esq. appointed as hearing officer.

After hearing testimony from Counsel for the School District and objection from Counsel for the Federation, Hearing Officer Cook recommended the following:

"Since the Board order is clear and the Parties and process require this matter to proceed to the next step without delay, the request for Stay is denied and the order and its time periods remain as issued."

Because of the emergency nature of the Motion for Stay and hearing held, the members of the Public Employee Labor Relations Board were polled via telephone and the decision of the hearing officer hereby unanimously adopted.



ROBERT E. CRAIG, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 29th day of May, 1986.

By unanimous vote. Chairman Robert E. Craig, Members Richard W. Roulx and James C. Anderson voting.